

EXHIBIT A

1
2 UNITED STATES BANKRUPTCY COURT
3 WESTERN DISTRICT OF NORTH CAROLINA
4 CHARLOTTE DIVISION

5 -----X
6 In re:
7 DBMP LLC,

8 Debtor.

9 Chapter 11
10 Case No. 20-30080 (JCW)

11 -----X
12 DBMP LLC,

13 Plaintiff,

14 vs.

15 THOSE PARTIES LISTED ON APPENDIX A TO
16 COMPLAINT and JOHN AND JANE DOES 1-100

17 Defendants .

18
19 Adv. Pro. No. 20-03004 (JCW)

20 -----X
21 ***CONFIDENTIAL***

22 VIDEOTAPED DEPOSITION OF AMIEL GROSS

23
24 DATE: June 2, 2021

25 TIME: 9:33 a.m.

PLACE: ***REMOTE***

BEFORE: Rebecca Schaumloffel, RPR, CCR-NJ

JOB NO: 194940

1 A. GROSS

2 MR. JONES: Objection. Object
3 to the extent it calls for legal
4 advice.

5 A. That was not -- that was not
6 stated. But the presentation was related to
7 the notion that this was a legitimate
8 transaction to create optionality, etc, etc.

9 But, no, to answer your question,
10 no one ever stood up and said this is the
11 official company story that you should be
12 aware of.

13 Q. But you believe that several
14 aspects of this official company story were
15 not true; is that correct?

16 A. Yes.

17 Q. Okay. Which aspects did you
18 believe were not true?

19 A. That it was a legitimate
20 transaction for purpose of creating
21 optionality.

22 Q. And why did you believe that not
23 to be true?

24 A. Because I believed and knew that
25 the real purpose was to wind up with a sub --

1 A. GROSS

2 an entity --

3 MR. JONES: Before you finish,
4 let me ask you not to share any
5 privileged communications.

6 A. An entity loaded with asbestos
7 liability for purposes of a bankruptcy
8 proceeding and ultimate estimation of capped
9 liability that was less than continuing
10 business as usual.

11 Q. And you believed that based on the
12 conversations that you have described
13 earlier?

14 A. Yes, and my experience and
15 training.

16 Q. Okay. And you mentioned an
17 ultimate estimation. What caused you to
18 believe that there would be -- that an
19 object -- well, withdrawn.

20 Did you understand that an
21 estimation proceeding was part of the
22 objective of the bankruptcy?

23 A. Of course.

24 Q. Okay. And what was the basis --
25 what's your basis of that understanding?

1 A. GROSS

2 an entity --

3 MR. JONES: Before you finish,
4 let me ask you not to share any
5 privileged communications.

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15 training.

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17 ultimate estimation. What caused you to
18 believe that there would be -- that an
19 object -- well, withdrawn.

20 Did you understand that an
21 estimation proceeding was part of the
22 objective of the bankruptcy?

23 A. Of course.

24 Q. Okay. And what was the basis --
25 what's your basis of that understanding?

1 A. GROSS

2 A. My factual knowledge, my
3 experience, and my training.

4 Q. And focusing on your factual
5 knowledge, could you explain what that is
6 with regard to an ultimate estimation being
7 an objective of the bankruptcy proceeding?

8 A. Well, that's what happened with
9 Garlock to a favorable outcome. And that,
10 you know, was where the Bestwall matter was
11 heading, and so -- I mean, that's -- I mean,
12 the understanding is that the end objective
13 is to obtain a final asbestos liability bill
14 for less.

15 Q. For less than what?

16 A. Less than the tort system.

17 Q. And what's the basis of your
18 understand -- of that understanding?

19 A. Garlock, Bestwall, August 13th,
20 October 10th.

21 Q. Was estimation discussed or were
22 you present for any discussion of estimation
23 within the -- within or among or including
24 any CertainTeed or Saint-Gobain personnel?

25 A. The estimation is further down the

EXHIBIT B

1
2 UNITED STATES BANKRUPTCY COURT
3 WESTERN DISTRICT OF NORTH CAROLINA
4 CHARLOTTE DIVISION

5 -----X

6 In re Chapter 11
DBMP LLC, Case No. 20-30080 (JCW)
7 Debtor.

8 -----X

9 DBMP LLC,
10 Plaintiff,
vs. Adv. Pro. No. 20-03004
20-03004 (JCW)

11 THOSE PARTIES LISTED
12 ON APPENDIX A TO COMPLAINT
and JOHN AND JANE DOES
1-100,
13 Defendants.

14 -----X

15
16 * * *CONFIDENTIAL* * *

17 VIDEOTAPED REMOTE DEPOSITION OF

18 MICHAEL STARCZEWSKI

19 April 30, 2021

20
21
22
23
24 Reported by: MARY F. BOWMAN, RPR, CRR

25 JOB NO. 193010

1 Starczewski - Confidential

2 A. The purpose was to report
3 information to the parent company.

4 Q. For financial planning reasons
5 and financial reporting reasons?

6 A. Financial reporting, yes.

7 Q. Now, if I understood you -- what
8 you said earlier -- going back to the
9 subject of group settlements, if I
10 understood you before, you entered into
11 those settlements -- or CertainTeed entered
12 into those settlements, without exploring
13 information about the exposure of the
14 various plaintiffs to other non-CertainTeed
15 asbestos products, is that correct?

16 A. Are you referring to the two
17 inventory-type settlements with respect to
18 the two firms that I mentioned earlier?
19 Are those --

20 Q. That's what I am referring to.

21 A. OK. Yes, those settlements were
22 agreed to in advance prior to knowing the
23 identity of the claimants. It was an
24 agreement to settle trial-set cases for a
25 period of time for a fixed amount of money.

EXHIBIT C
FILED UNDER SEAL

EXHIBIT D

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re Chapter 11
DBMP LLC, Case No. 20-30080 (JCW)
Debtor.

-----/
DBMP LLC,

Plaintiff,

vs. Adv. Pro. No. 20-03004
20-03004 (JCW)

THOSE PARTIES LISTED
ON APPENDIX A TO COMPLAINT
and JOHN AND JANE DOES
1-100,

Defendants.
-----/

** CONFIDENTIAL **

REMOTELY CONDUCTED

VIDEOTAPED DEPOSITION OF CHARLES E. BATES, PhD

San Diego, California (Witness's location)

Friday, April 16, 2021

Stenographically reported by:
LORRIE L. MARCHANT, RMR, CRR, CCRR, CRC
California CSR No. 10523
Washington CSR No. 3318
Oregon CSR No. 19-0458
Texas CSR No. 11318

Job No. 192223

1 are the documents and materials.

2 Q. Any other documents you reviewed in
3 preparing for the deposition today?

4 A. Nothing else comes to mind. I don't
5 believe so.

6 Q. Okay. And just going back to the beginning
7 of your involvement with the subject of the DBMP
8 claims, were you retained by CertainTeed before DBMP
9 was graded?

10 A. I was not. Well, Bates White, I believe,
11 was, but I was not involved with anything having to
12 do with these claims until such time as the petition
13 date.

14 Q. What was the involvement of Bates White
15 before the petition date?

16 A. Well, with regard to anything having to do
17 with asbestos claims? Are we talking generally?

18 Q. CertainTeed.

19 A. With CertainTeed.

20 Q. Anything having to do with CertainTeed.

21 A. I believe there was an engagement that was
22 several years ago that was -- involved CertainTeed
23 and some other parties. It had to do with looking
24 at claims. I wasn't involved with that matter, but
25 I'm aware that it existed.

1 sure that they did a check across the engagements
2 which we had, which Bates White had, and made sure
3 they were all on the list.

4 Q. And why was -- I'm sorry.

5 A. And --

6 Q. Sorry. Didn't mean to cut you off.

7 And why was CertainTeed identified as an
8 interested party in the Bestwall bankruptcy?

9 A. I believe for the same reason that I just
10 identified. I don't -- directly what that is, I
11 didn't personally do the check on that. So I'm not
12 sure. But I understand from talking with my -- the
13 people on my team and the general counsel of my
14 company that it qualified in the sense at least
15 that -- for the purposes of this disclosure.

16 Q. And the work that was -- when you said
17 several years ago, was it current work as of the
18 time this declaration was filed in 2017?

19 A. I'm not sure of the exact dates. It may
20 have overlapped with this time period. I think in
21 abundance of caution it's certainly put here.

22 Q. So if I understand you correctly, prior to
23 the filing, there were two separate engagements of
24 your firm by CertainTeed?

25 A. That's my understanding.

1 Q. Okay. And what is your understanding of
2 the first engagement and what the scope of the work
3 done was?

4 A. I think I can't say much beyond what I just
5 did because it involves multiple parties with
6 confidentiality agreements associated with it, but
7 it involved asbestos claims.

8 Q. What kind -- what kind of confidentiality?
9 Is there a court order?

10 A. No. Engagement letter which basically says
11 that we're to maintain that work, the contents of
12 that work confidentially, not to be disclosed
13 without permission of the parties involved in the
14 engagement.

15 Q. And CertainTeed was one of those parties?

16 A. Correct.

17 Q. So you're familiar with the confidentiality
18 agreement in that retention?

19 A. Correct. I'm familiar with the fact that
20 it is, yes.

21 Q. Have you reviewed that confidentiality
22 agreement?

23 A. Recently, no.

24 Q. And so you're just assuming that it doesn't
25 allow you to testify about the scope of that